

MINUTES,

In the Process of REDUCTION,

The Duke of HAMILTON and others, Pursuers,

A G A I N S T

ARCHIBALD DOUGLAS, Esq; Defender.

Respecting the examination of Isabel Walker in presence.

THE cause being called, the counsel for the pursuers represented, That the court having, *ex nobili officio*, ordered Isabel Walker to be further examined in their presence, and appointed each party to give in in writing, previous to the examination, such questions as they inclined to suggest; the pursuers, in obedience to this appointment, had suggested certain interrogatories, which appeared to them proper to be put to this witness; but at same time humbly represented to the court, in a note prefixed to the interrogatories, That after the demonstrative evidence which in their apprehension they had brought, that Lady Jane Douglas was not delivered of the defender, and his pretended twin-brother, the deposition of any witness, with respect to her opinion of Lady Jane's pregnancy, could be but of little avail in this cause; and more especially the evidence of this witness, who, in their apprehension, not only appears in a suspicious point of view, but whom they have, in a variety of instances, convicted of artful prevarication and falsehood; and who, after the proofs taken in this cause have been published to the world, and the import of the evidence has been particularly argued in memorials, also published, must

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have

have had ample opportunities afforded her of considering the facts material for supporting her former depositions.

Mr Solicitor for the defender, represented, That the court having, *ex proprio motu*, appointed a further examination of Mrs Glasf, in their presence, and at the same time allowed the parties to give in to the Lord President such questions as they proposed should be put to her, a note was, in the evening of the 19th, given in to the Lord President, by the defender's agent, setting forth, That as he had repeatedly examined Mrs Glasf on every fact and circumstance which appeared to him to be material in the cause, so he left it entirely to the court, on the present occasion, to put such explanatory or further questions to her as they might think proper: That he did not think it would be right in him to suggest any; but at the same time submitting one single question, which, if his Lordship thought proper, might be put at the close of her examination: That on the 20th, another note was given in to the Lord President by the defender's agent, setting forth, That he was desirous to withdraw the note given in the day before, so far as related to the question which had been suggested in it, as that question might possibly have the effect of opening or throwing loose her former depositions, which did not seem to be the intention of the court; and accordingly the first note was withdrawn, or not moved in court.

The

The D E P O S I T I O N.

Edinburgh, 23d June 1767.

IN presence of the Lords of Council and Session, compeared Isabel A Walker *alias* Glas, spouse to William Glas gardener at Newliston, a witness formerly examined in this cause upon commission, and who appeared in court this day, in obedience to their Lordships order, of date the 18th instant; and being solemnly sworn, purged, and inter- B rogate, depones, That she has read a very little of the proofs, and also of the memorials published in this cause: That the copies were sent her from Edinburgh, and, as she supposes, by Mr Charles Brown writer to the signet. Depones, That she neither read Sir John Stewart's C declaration, nor Mrs Hewit's deposition; but the copies of the proofs and memorials were sent her a considerable time ago. Depones, That the deponent was chambermaid to Lady Jane before she left Scotland, and continued in the same station abroad* at Aix-la-Chapelle and D Rheims; and as Lady Jane kept no other maid but her and Effie Caw, the deponent also oversaw the dressing of the meat, sometimes the marketing, and other things about the family, and attended Lady Jane's person, as mentioned in her former deposition; and that she E begun to attend her immediately upon her going abroad. Depones, That the meat was generally dressed by the servants in the house where Lady Jane was; but that she oversaw it, as she knew Lady Jane's taste. Depones, That her wages agreed for was L. 3 a-year; which F are not yet paid, except some trifle; particularly a dividend of the deceased Sir John Stewart's effects. Depones, That she touched Lady Jane's belly frequently, when she had occasion to assist her to rise out of bed; but that she thinks it was only at one of those times she felt the G child move; and that it was by accident, and not at Lady Jane's desire, for she was very bashful. Depones, That as Lady Jane had always said that it was the bile that had come up to her stomach, the deponent, upon this discovery, told her, That now she was very easy H about the consequences of the bile, for if it was bile, it was living bile, for that the deponent was now conscious she was with child. Depones, That Lady Jane was quite bashful, made no answer, but appeared to be angry at the deponent for talking in so free a manner. I Depones, That it was not her naked belly that she felt when she found the child move, but above her shirt, as she thinks. Depones, That she does believe she would relate what passed upon this occasion to Mrs Hewit; but cannot be positive that she did it to any other person; and

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that

A that this happened at Aix-la-Chapelle; but the deponent cannot con-
 descend in what particular lodging this happened; thinks it was in
 one Mrs Scholl's; but cannot be positive to say so upon oath. De-
 pones, That before her feeling the child in Lady Jane's belly, she ne-
 B ver had laid her hand on the belly of any other woman with child, or
 found the child move; and does not remember ever to have heard
 from Mrs Hewit that she had put her hand upon Lady Jane's belly at
 this time; nor did she hear of any other person doing it, except what
 C she has formerly deponed as to Effie Caw. Depones, That she never
 heard from Lady Jane, or any other person, that Lady Jane had doubts
 of her bearing a living child. Depones, That she never but once said
 she believed Lady Jane with twins; and that this happened at Rheims
 D some days before Lady Jane went to Paris; and was owing to the fol-
 lowing circumstance, That in the morning, having assisted Lady Jane
 to dress, and she being without a hoop, in her night-gown, the depo-
 nent, observing her to be every way so round, and so bulky, and to a
 E greater degree than she had ever seen any woman with her first child,
 the deponent formed the conjecture of twins; which she ex-
 pressed to Mrs Hewit; who desired the deponent not to frighten her,
 as she, Mrs Hewit, was frightened enough already for Lady Jane.
 F Depones, That she does not remember ever to have advised Lady Jane
 to call for the assistance of any physician or midwife: for Lady Jane,
 for a considerable time, thought it was the bile in her stomach, with
 which she was troubled in Scotland, and the cure was, generally, ad-
 G ministrating a vomit to her; and in this case she vomited from the na-
 tural effect during the period that she believed it the bile; and after
 it was discovered, that she really was with child, then her illness ex-
 plained itself; and does not remember that any assistance was after-
 H wards called for to her at Liege, Aix-la-Chapelle, Sedan, or Rheims.
 Depones, That she never heard Lady Jane express any doubts of her
 being with child, after she was with quick child. Depones, That she
 does not remember to have been desired by Lady Jane positively, ei-
 I ther to conceal the marriage or the pregnancy, further than she obser-
 ved Lady Jane was shy, and unwilling that it should be communicated
 to every body. Depones, That Lady Jane was better and freer of the
 vomitings as she advanced in her pregnancy, though she cannot posi-
 K tively say, she was entirely free of them at the time she felt her belly,
 as above deponed to. Depones, That the conversation she has former-
 ly deponed to, with Mrs Tewis, concerning Lady Jane's pregnancy,
 was in Dutch: for Mrs Tewis spoke low Dutch, as well as German.
 L Depones, That she began to suspect Lady Jane was with child, when
 she spoke to Mrs Tewis of her complaints; and that she spoke to her
 as a woman of experience, and one in whom she confided. Depones,
 That

That she does not remember to have talked of Lady Jane's marriage A with Madame Scholl; but does remember, that one day Madame Gilliesen said to the deponent, that she had not done right, and would have made her Gilliesen suspect something not right, had she not believed Lady Jane was so angel and amiable a creature, that there must be a B marriage in the case; because she observed she was with child, by her walking heavy in coming down the stairs; upon which the deponent owned, that it was true; but that Lady Jane was shy, and wanted to conceal it, as the marriage was not so agreeable for reasons; and that Ma- C dame Gilliesen spoke German, which the deponent came, by degrees, to understand, having staid long in the place; the conversation was in this language. Depones, That she cannot say, at what time of their stay in Madame Gilliesen's house this conversation happened. D Depones, That the conversation betwixt Lord Crawford and Sir John Stewart, (then called *John*), mentioned in her former deposition, happened at the time that Lady Jane was very sick, had fits of vomiting, and looked extremely ill; and the deponent believes pretty early in the E pregnancy; because Lady Jane turned better as she advanced. Depones, That she does not remember her conversing about Lady Jane's pregnancy with any other person, further than as mentioned in her former depositions, or in this present deposition. Depones, That she thinks it F was in Madame Gilliesen's house that Lady Jane got into bed by the assistance of a stool; or, as the deponent thinks, by a square box of seven or eight inches high; and that the deponent continued to assist Lady Jane to get into bed at other places, and probably may have taken G the same method of a stool, though she cannot positively remember. Depones, That the deponent thinks the Countess of Bassewitz left Spa directly, and consequently did not visit Lady Jane at Aix-la-Chapelle during her pregnancy. Depones, That when Lady Jane, with the H deponent, and others, left Aix-la-Chapelle, the deponent understood that Lady Jane's intention was, to be delivered at Rheims; and that the deponent could not learn this from any other body than my Lady, Sir John, or Mrs Hewit. Depones, That she cannot positively I remember, when Lady Jane's stays was widened, as before deposed to, but thinks it was after the deponent had felt her with quick child; and that it was a woman, a mantua-maker, who came and carried them away to widen them, and brought them back. De- K pones, That the deponent does believe this woman took Lady Jane's measure, as she had always wrought to her at Aix-la-Chapelle. Depones, That she does not remember to have heard of any intention of Sir John or Lady Jane going to Switzerland or Geneva. Depones, L That Lady Jane and Sir John remained some time at Sedan, on purpose to rest Lady Jane on the journey. Depones, That Lady Jane and Sir John continued

A continued in the same inn at Sedan where they first put up. Depones, That she remembers no conversation with the landlady at Sedan, except one, in the morning, when Lady Jane was got up, and sitting in her chair; but does not remember whether they saw the
 B landlady the first night or not. Depones, That Lady Jane was not taken ill at Sedan: That she thinks, besides Lady Jane's company, there was a gentleman in the coach from Sedan to Rheims. Depones, That that gentleman might have given his hand to Lady
 C Jane in going in and coming out of the coach; but that Sir John, then Mr Stewart, was the person who always showed attention to, and took care of Lady Jane; and does not doubt but the gentleman might also have given his assistance to the deponent, Mrs Hewit, or
 D Effie Caw, as it is common for gentlemen to assist women in going in or coming out of a coach. Depones, That Lady Jane was taken ill, and distressed, at the time of her arrival at Rhetelle, and immediately was carried into a bed-room, and went to bed; and that the
 E deponent continued close in the room by her, and sat up all night; and considered the fatigue of the journey was the cause of her illness, to a woman in her situation: And that Mrs Hewit was going backwards and forwards when Lady Jane was in bed. Depones,
 F That she does not remember any physician or person of skill was sent for: That Sir John did press Lady Jane to repose a day at Rhetelle, but she turning better towards the morning, chose to proceed upon her journey; and the next night Lady Jane went to bed directly
 G upon their arrival at the inn where they stopped. Depones, That the machine they travelled in was just as easy as any other of that kind generally practised. Depones, That the deponent does believe Sir John and Lady Jane passed for married persons during this journey,
 H because it is generally so thought when a woman appears to be with child. Depones, That she does not remember of any conversation with the Miss Hiberts concerning Lady Jane's pregnancy or marriage; nor does she know whether it was made known to, or
 I concealed from them. Depones, That she does not remember to have had any conversation with General Maclean concerning Lady Jane's marriage or pregnancy, before she set out for Paris: And that Lady Jane sometimes walked out for the air with Sir John and Mrs
 K Hewit. Depones, That she does not know of Lady Jane having consulted any physician, or other person of skill, at Rheims; but that Mrs Andrews told the deponent, some time after Lady Jane was gone to Paris, that Sir John or Lady Jane had asked her, if there were persons
 L of skill there? to which she had answered, that there were none of great skill; and that people of better condition, if they thought themselves in danger, either went to Paris, or sent for a person from Paris, to attend
 them;

them; and Mrs Andrews also said, that she had told them, that those A who wanted to be frugal, or to save their money, went there privately themselves, rather than send for one; and the deponent believes Lady Jane changed her resolution upon hearing that there were not persons of skill at Rheims. Depones, That she does not know for what B reason Lady Jane and Sir John continued so long at Rheims. Depones, That the deponent cannot be particular how long before Sir John and Lady Jane's departure for Paris, the deponent understood that she and Effie Caw were not to go; and that Lady Jane told her C the reason she was not to go, which is mentioned in her former deposition. Depones, That, to the best of the deponent's remembrance, Lady Jane did not go to bed the night before she set out for Paris; and that she walked to the stage-coach office, which was at no great D distance from her lodgings; and that Lady Jane, as before deponed upon, was very unwieldy; and thinks this must have been apparent to any body. Depones, That the conversation above mentioned with Mrs Andrews was in French. Depones, That during Lady Jane's E absence from Rheims, the deponent and Effie Caw had a master, who came in and taught them French, immediately after Lady Jane's departure: That the deponent had acquired, at Aix-la-Chapelle, so much French as might serve for any little trifling compliment; but F could not maintain any long conversation, before being taught by this French master; and that the foresaid conversation with Mrs Andrews was surely after she had been taught by the said French master; and does not believe she could have held up the conversation with Mrs G Andrews before she was so taught. Depones, That as she has spoke no French since she was abroad, she does not now believe that she could hold up a conversation in that language. Depones, That if any questions were now put to her, either in French, Low Dutch, or H German, she would not now understand them, so as to give an answer in English; and she does not think she can now express herself so as to enter into any conversation; though she could perhaps ask such trifling questions as, how people did, or the like. Depones, I That she is not positive how long she was taught by this French master; but remembers that he came in to teach her in the mornings, after Lady Jane's return from Paris to Rheims; and cannot precisely say how long afterwards he continued, but believes it might have K been about two or three months altogether that she was taught.

ISABELLA GLASS.

R.O. DUNDAS, I. P. D.

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Edinburgh, 24th June 1767.

The further examination of the within Isabel Walker being delayed till this day, she again compeared; and being further interrogate, If, after Lady Jane returned from Paris to Rheims, the witness had any

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conversation

- A conversation with Sir John, Lady Jane, or Mrs Hewit, about what had happened at Paris? depones, That no doubt Mrs Hewit told her every thing that had passed there; though she cannot recollect other particulars than those already mentioned in her former depositions.
- B Depones, That Mrs Hewit never could remember the names of the French landladies, or mention them to the deponent. Depones, That, as far as she can recollect, when Lady Jane, Sir John, or Mrs Hewit, mentioned the person who delivered Lady Jane, they always just
- C called him the Doctor; and when a letter came from him, said, "There was a letter from the Doctor concerning the child;" and does not remember that any of them ever mentioned how they became acquainted with the Doctor, or how he was recommended.
- D Depones, That she thinks Mrs Hewit told the deponent, that the Doctor was the person who recommended the nurse for Sholto: and does not remember that Lady Jane ever said to her, that she had seen that nurse, or had been at the place of her abode; or that either she,
- E Sir John, or Mrs Hewit, were possessed of any note as to the place of her residence. Depones, That by that part of her former deposition where she depones, that the youngest boy was weakly, and that there was difficulty in getting a nurse, she did understand, by this
- F conversation with Mrs Hewit, that if they could have got a nurse, they would have brought her along with the child. Depones, That she remembers Mrs Hewit told her, that the landlady of the house was present at Lady Jane's delivery; but cannot recollect if she
- G mentioned any other person being present. Depones, That the letter mentioned in her former deposition, from Mrs Hewit, acquainting her of a sick-nurse attending Lady Jane, was, as she thinks, dated from Paris; because she received it before their return to Rheims;
- H but does not remember the date of the letter, or whether it was before or after the 26th of July: nor can the deponent remember, whether the letter mentioning the change of lodgings after the delivery was dated before or after the 26th of July; and gives the same answer as to the letter mentioning the first house being infested with
- I buggs, as set forth in her former deposition. Depones, That she burnt the other letters from Mrs Hewit; at least she does not doubt but she did it, as she was in use to burn useless papers; and therefore
- K does not recollect at what particular time she burnt these letters: nor was she desired by any person to destroy them. Depones, That she does not remember to have shewn any of these letters to any person, otherwise than she believes she would probably read them over
- L to Effie Caw. Depones, That the three letters produced were preserved by having been carelessly thrown into the bottom of a trunk, where the deponent had not perceived them till near the time she was examined,

examined, and produced them in the service. Depones, That these A letters did not contain, in her apprehension, any thing that could infer suspicion against the defender's birth. Depones, That after Lady Jane's return to Rheims, Mrs Hewit told the deponent, that she had a letter from Walter Colvill, acquainting her that suspicions were B raised as to Lady Jane's delivery; and does not remember that she heard any more of these suspicions till many months after, when she returned to Britain. Depones, That after the letter from La Marr came to Sir John, at London, the deponent said to Mrs Hewit, that C they ought to be very clear as to the birth of these children, since there were suspicions concerning it; but does not recollect the answer made by Mrs Hewit. Depones, That she does not remember to have heard of any letters being written, either to Aix-D la-Chapelle, Rheims, or Paris, in order to procure proofs, either of the pregnancy, or of the birth of the children; nor did she know that any such inquiries were made till after the commencement of this process. Depones, That, as far as she can remember, it was E at London that she learned the name of the man-midwife to be La Marr, who in former conversations at Rheims had been called the Doctor; and that this was at the time when Sir John received the letter from him. Depones, That she never had the said letter from La F Marr to Sir John in her hand; but that she remembers Lady Jane mentioned the contents of it to Mrs Hewit; and particularly, that there was compliments in it to her. Depones, That she does not remember that the letter made any mention of the writer either having been at I-G taly, or intending to go there. Depones, That she cannot remember if she saw the person who brought the letter, or in what manner it was delivered to Sir John. Depones, That Lady Jane and Sir John lived in Mr Murray's when Sir John read La Marr's letter as former-H ly deposed to. And being interrogate, If the said letter mentioned the date of the delivery, or the ondoyment of any of the children? depones, She does not remember if it did; nor does she remember any other particulars in that letter, further than as she has already depo-I ned. And being interrogated, If Lady Jane remained silent at the time Sir John used the expressions concerning the suspicions of the birth of the children, when it was mentioned, that the letters should be preserved? depones, That if Lady Jane said any thing, the deponent K does not now remember it. Depones, That she does not remember to have said any more on the occasion of the letter, or of any other letter from La Marr, further than as she has already deposed to. Depones, That she never did peruse any of the four letters of La Marr L prior to the defender's service; but when at Rheims, remembers that letters did come from the Doctor, and were read in the deponent's presence;

A fence ; and when she perused these letters in the service, thinks she remembers that some of the expressions were the same ; by which the deponent means, that the sense was the same, as it was the translation of the letters that she read in the service. And being interrogate, If she
 B would not have understood the letters in French when read at Rheims ? depones, She would not have understood them so perfectly as when translated and explained. Depones, That she understood French sufficiently to buy and sell, after she was taught by the master mentioned
 C in the former part of her deposition. Depones, That she got copies from the master to teach her to write French ; but gave little attention to them after she came to be understood, and to understand other people. Depones, That she cannot say that she heard Lady Jane men-
 D tion her having any letters of La Marr's when she came to Scotland in the 1752 ; nor can she remember whether Lady Jane carried any letters or other proofs with her concerning the birth, when Lady Jane and the deponent went to Douglas castle, as mentioned in a former
 E deposition ; nor does she remember whether Lady Jane or Mrs Hewit mentioned to the deponent any method they had taken to persuade the Duke of the truth of the birth. Depones, That she dare say she may have heard Lady Jane express her knowledge of her brother the
 F Duke's misbelieving the truth of the birth ; but cannot remember any particulars of the conversation. Depones, That when she heard the conversation betwixt the late Lord Prestongrange and Lady Jane, as formerly deponed to, the door between the two rooms was shut ; and
 G the deponent was not desired to listen to the conversation ; but heard it distinctly, as Lady Jane was warm, and spoke high ; and the Lord Prestongrange (then Lord Advocate) spoke also plain and high. And being interrogate, If the deponent ever mentioned her having heard
 H this conversation betwixt Lady Jane and Lord Prestongrange to any person previous to his death in May 1764 ? depones, That, to the best of her remembrance, she never mentioned it to any person before that period, but did mention it after that time ; particularly thinks she
 I mentioned it to Mr Charles Brown. Depones, That a great deal more conversation might have happened between Lady Jane and Lord Prestongrange at that time which the deponent did not hear ; because perhaps she may have left the room ; or perhaps they did not speak quite
 K so high. Depones, That she does believe she may have mentioned to the doers for the defender the particulars to which she could depone, previous to her examination in the service. And being interrogated, Why she did not mention the foresaid particular, of the conversation betwixt Lady
 L Jane and Lord Prestongrange ? depones, She can give no reason for not telling it : That she has deponed what she heard, which is true ; and that she can say no more ; and three letters, one dated Paris, August 26. 1749,
 another

another from Paris, September 18. 1749, and the third, Paris, October 4. 1749. being translations of letters from Pier la Marr to Sir John, being shown to the deponent, depones, That the commendation given to the nurse, in the first letter, makes her believe it to be one of those letters that was read and explained to her at Rheims; because she particularly remembers, that upon hearing these expressions, she then said, it was fortunate both the children should have got so good nurses; but cannot now remember the particulars either in the second or third letter which led her to think them the same that were read to her at Rheims. Depones, That Lady Jane and Sir John were never in use to show the deponent any other letters of correspondence than those which they received from the Doctor; and that the reason of showing these, was the deponent's anxiety to hear of the child; because she saw Lady Jane miserable when she did not hear, as Lady Jane was very doubtful, if the child who was weakly would live. And all that she has deponed above, on yesterday and this day, is truth, as she shall answer to God.

ISABELLA GLASS.

RO. DUNDAS, I. P. D.

The court having thus far proceeded upon the interrogatories suggested by the pursuers, and the counsel for the defender declaring, that they intended to put no questions, the following questions were put to the witness by direction of the court. Being interrogate, If ever she heard Lady Jane, Sir John Stewart, or Mrs Hewit, repine at the expences occasioned by the children? depones, She never did. Interrogate, If ever she heard any expression drop from these three persons, or any of them, or saw any thing in their conduct, that led the witness to suspect the truth of the birth of the children? depones, She never did. Interrogate, If before the marriage, and after it, before she came to Aix-la-Chapelle, Lady Jane had regularly those symptoms which are common to women capable of child-bearing? depones, That she had. Interrogate, If she had the same symptoms after she was pregnant? depones, She had not. Interrogate, When these symptoms ceased? and, In what house Lady Jane then lived? depones, That she cannot be precise as to the time; supposes it was when she conceived, and thinks she was then living in the house of Mrs Tewis. Interrogate, If, from the time those symptoms ceased, she suspected Lady Jane was with child? depones, That she did. Interrogate, If this was one of the symptoms she mentioned to Mrs Tewis the landlady, as a reason for suspecting Lady Jane to be with child? depones, That she did mention this as one of the symptoms. Interrogate, By what conveyance the letters from the Doctor were brought to Sir John at Rheims? depones, That some came by the waggon, and some from the coffee-house. Interrogate, If Mrs Hewit, on her return to Rheims, told the deponent any particulars concerning the landlady of the house in

- A** which Lady Jane was delivered? depones, That she thinks Mrs Hewit said, she was a widow-woman, and had a daughter. Interrogate, If any written messages came from Lord Crawford at Burchette to Lady Jane? and how they were directed? de-
- B** pones, That written messages frequently did come; and, as the deponent thinks, were directed to Lady Jane Douglas-Stewart. Being interrogate, Where the deponent and Effie Caw made the child's cloaths? depones, That they began to make some of them at Aix-la-
- C** Chapelle: That they purchased some edgings, and other things, at Liege; and continued to make them when they stopped at Sedan, and finished them at Rheims. Interrogate, How many suits were made? depones, There were as many as they thought fit for one child. In-
- D** terrogate, If the witness knew of any scheme Lady Jane had laid for being delivered at Brussels, or at the house of a German nobleman? depones, That she knows of no such scheme. Interrogate, If she knew if Lady Jane was acquainted with one Abbé Hibert, when they lodged
- E** at the house of the Mademoiselle Hiberts at Rheims? depones, That she does remember of such person speaking to Lady Jane, when she was taking a little walk; and thinks she remembers his sometimes coming to visit her in her room. Interrogate, If the witness knows,
- F** when the house of Madame Mayette was hired for Lady Jane? depones, That she cannot be clear, whether it was taken before Lady Jane went to Paris or not. Interrogate, How long the nurse's child, which, in her former deposition, is said to have come along with the mother to
- G** Rheims, did continue there? depones, That the deponent was in a mistake in her former deposition; for the nurse's child was not brought to Rheims, but was left at a village betwixt Paris and Rheims. And this last part of her deposition is also truth, as she shall answer to God, &c.

ISABELLA GLASS.
RO. DUNDAS, I. P. D.



